

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 HENRY BARABIN and GERALDINE 11 BARABIN,)	No. C07-1454 RSL
12 Plaintiffs,)	PLAINTIFFS' MOTION TO FILE 13 v.) CONFIDENTIAL SETTLEMENT 14 ASTENJOHNSON, INC. and SCAPA) DOCUMENTS AND RELATED DRYER FABRICS, INC.,) INFORMATION UNDER SEAL
15 Defendants.)	NOTE ON MOTION CALENDAR: May 14, 2010

RELIEF REQUESTED

Plaintiffs move the Court for an Order allowing Plaintiffs to file confidential settlement documents under seal.

RELEVANT FACTS

On April 14, 2010, the Court ordered plaintiffs to disclose certain settlement information, in order to hold a reasonableness hearing under RCW 4.22.060. (Dkt. # 468). Plaintiffs seek to have sealed: (1) the actual settlement agreements entered into with settling parties, including bankruptcy trusts; and (2) any document disclosing an individual settlement amount. Specifically, plaintiffs seek to have sealed: attachments A-R to the Declaration of James P. Nevin. This information is confidential settlement information that belongs to the parties that entered into the settlement agreements only. For this reason, plaintiffs seek to file this information under seal.

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ARGUMENT

Fed. R. Civ. P. 5.2(a) and W.D. Wash. L.R. 5.2(a) require parties to redact certain enumerated “personal data identifiers” in publicly filed documents, including social security numbers, taxpayer identification numbers, birth dates, the names of minors, financial account numbers, passport numbers, and drivers license numbers. Pursuant to Fed. R. Civ. P. 5.2(e), the Court may also, for “good cause,” order the redaction of “additional information” or “limit or prohibit a nonparty’s remote electronic access to a document filed with the court.” Fed. R. Civ. P. 5.2(d) also provides the “court may order that a filing be made under seal without redaction.” “Good cause” for redaction and/or sealing exists when these protective measures are necessary “to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense[.]” *Rivera v. NIBCO, Inc.*, 364 F.3d 1057, 1064 (9th Cir. 2004) (citing Fed. R. Civ. P. 26(c)).

In this case, the Court recognized that much of the information it ordered is confidential, and granted plaintiffs permission to file “settlement agreements and proposed agreements under seal if their contents are confidential.” (Dkt. #468 *at* 4). Related to this, plaintiffs also seek to file under seal the amount of individual settlements and information regarding how those settlements were arrived at between the settling parties, as this information is material to the settlement agreements themselves and is also confidential.

CONCLUSION

Plaintiffs respectfully request that the Court grant them leave to file confidential settlement documents and related information under seal. A proposed order is submitted with this motion.

DATED this 4th day of May, 2010.

BRAYTON ♦ PURCELL, LLP

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